

Document #4608²

MEMORANDUM

MAY 21, 1985

TO: BOSTON REDEVELOPMENT AUTHORITY AND
STEPHEN COYLE, DIRECTOR

FROM: SUSAN ALLEN, ASSISTANT DIRECTOR FOR
DEVELOPMENT AND URBAN DESIGN
EDITH NETTER, ASSISTANT DIRECTOR FOR
LAND USE AND ENVIRONMENTAL POLICY
LINDA BOURQUE, DIRECTOR OF ZONING

SUBJECT: APPROVAL OF AMENDED AND RESTATED DEVELOPMENT
PLAN FOR PLANNED DEVELOPMENT AREA NO.
18 /APPROVAL OF AMENDED AND RESTATED
DEVELOPMENT IMPACT PROJECT PLAN/ONE FRANKLIN
PLACE, BOSTON PROPER

Lincoln Franklin Place, LTD, ("Developer") a Texas limited partnership, seeks the Authority's approval of an Amended and Restated Development Plan for Planned Development Area No. 18 and an Amended and Restated Development Impact Project Plan for One Franklin Place, a project situated within Planned Development Area No. 18. On November 15, 1984, after a public hearing held on November 1, 1984, the Authority approved a Development Plan for Planned Development Area No. 18 and authorized the Director to petition the Zoning Commission of the City of Boston to designate the area bounded in part by Hawley, Summer, Arch, Franklin Streets and Snow Place, which contains 47,300+/- square feet of land area, as a special purpose overlay district, planned development area. The Amended and Restated Development Plan presented to the Authority today sets forth planning restrictions on the entire PDA and includes with respect to One Franklin Place a further refinement of the design and use of the project resulting from negotiations involving the Developer and his architects and the Authority's design staff. As a result of these changes, the Project will now contain 40 parking spaces, an increase of 28 over the original 12 spaces in the prior plan, an increase in rentable area of approximately 23,000 square feet of office space and 12,000 square feet for parking spaces. This increase of parking has alleviated in some measure the concerns of the Authority with regard to the prior parking component of the Project. Additionally the lower level of the structure has now been designed to be at an equal grade with that of the MBTA concourse which will allow easier access for handicapped persons using the special handicapped elevator. A revision of the setback on the Tower and a change in the structural component from steel to cement has allowed the addition of a 21st floor without an increase in the height

envelope of the Tower. This increase in area represents a slight increase in the previous FAR of the development of 12 to 12.6. The design of the tower has been altered several times to make it more compatible with the architecture of its neighbors. A major amenity will be a connection from the building with the Washington Street subway station which will include an elevator to provide access for handicapped persons. A further description of the project is contained in the attached Fact Sheet.

The project also has the support of the Downtown Crossing Association, the MBTA, and neighboring businesses.

I recommend that the Authority approve the attached Amended and Restated Development Plan for Planned Development Area No. 18 and the Amended and Restated Development Impact Project Plan for One Franklin Place. Appropriate votes follow.

VOTED: That in connection with the Amended and Restated Development Plan for Planned Development Area No. 18 and the Amended and Restated Development Impact Project Plan for One Franklin Place, a project within Planned Development Area No. 18, presented at a public hearing duly held at the offices of the Authority on May 21, 1985, and after consideration of the evidence presented at that hearing, the Boston Redevelopment Authority finds that said Plans as stated therein (1) conform to the general plan for the City of Boston as a whole; (2) contain nothing that will be injurious to the neighborhood or otherwise detrimental to the public welfare; and (3) do adequately and sufficiently satisfy all other criteria and specifications for a Planned Development Area 'subdistrict designation' and for a Development Impact Project as set forth in the Boston Zoning Code as amended;

and further

VOTED: That pursuant to the provisions of Sections 3-1A and 26-3 of the Boston Zoning Code as amended, the Boston Redevelopment Authority hereby approves the Amended and Restated Development Plan for said Planned Development Area No. 18, and the Amended and Restated Development Impact Project Plan for One Franklin Place; said Plans are embodied in written documents entitled "Amended and Restated

Development Plan for Planned Development Area No. 18, One Franklin Place, Boston Proper" dated May 21, 1985 and "Amended and Restated Development Impact Project Plan, One Franklin Place, Boston Proper", dated May 21, 1985, and in a series of drawings listed in Exhibit B of the Amended and Restated Development Plan; and said documents and drawings shall be on file in the office of the Director of Zoning of the Authority;

and further

VOTED: That the Authority hereby authorizes the Director to petition the Zoning Commission of the City of Boston for approval of the Amended and Restated Development Plan for Planned Development Area No. 18; to execute in the name and on behalf of the Authority (1) an amendment to the Cooperation Agreement with the Developer of One Franklin Place, the project within said Planned Development Area No. 18, and (2) an amendment to the Development Impact Project Agreement under which the Developer of One Franklin Place shall be responsible for a Development Impact Project Exaction; and to certify, in the name and on behalf of the Authority, to the Building Commissioner and the Board of Appeal of the City of Boston, that the plans submitted to the Building Commissioner in connection with said Amended and restated Development Plan and Amended and Restated Development Impact Project Plan are in conformity with said Plans; and that the Developer has entered into an agreement with the Authority to be responsible for a Development Impact Project Exaction as provided in Section 26-3.

and further

VOTED: That in reference to petitions to the Board of Appeal of the City of Boston to be brought by the Developer for exceptions as listed in the Amended and Restated Development Plan for Planned Development Area No. 18, which is approved by the Authority today, the Boston Redevelopment Authority recommends approval provided that the Zoning Commission will have approved the Amended and

Restated Development Plan, and provided further, that final plans be submitted to the Authority for design review to ensure that the plans are consistent with the plans previously approved by the Authority and with said Amended and Restated Development Plan; and the Authority hereby authorizes the Director to certify to the Board of Appeal of the City of Boston that the exceptions requested are in conformity with said Amended and Restated Development Plan.

and further

VOTED: That in reference to petitions to the Board of Appeal of the City of Boston to be brought by the Developer for exceptions as listed in the Amended and Restated Development Plan for Planned Development Area No. 18, and the Amended and Restated Development Impact Project Plan, which is also approved by the Authority today, the Boston Redevelopment Authority recommends approval provided that final plans be submitted to the Authority for design review to ensure that the plans are consistent with the plans previously approved by the Authority and with said Amended and Restated Development Plan; and the Authority hereby authorizes the Director to certify to the Board of Appeal of the City of Boston that Developer has complied with the Development Impact Project Requirements set forth in Section 26-3.

FACT SHEET

BOSTON REDEVELOPMENT AUTHORITY

AMENDED AND RESTATED DEVELOPMENT PLAN
FOR

PLANNED DEVELOPMENT AREA NO. 18

AND

AMENDED AND RESTATED DEVELOPMENT IMPACT PROJECT PLAN
FOR

ONE FRANKLIN PLACE
BOSTON PROPER

Developer: The Developer is Lincoln Franklin Place, LTD (the "Developer"), a Texas limited partnership with a principal place of business at 1800 Two Turtle Creek Village, Dallas, Texas 75219. The local office of the Developer is at One Post Office Square, Suite 2250, Boston, Massachusetts 02109. John R. Hynes, III is General Partner of the General Partner of the Developer, Lincoln Property Company No. 1027, LTD, a Texas limited partnership.

Architects: Hoskins, Scott, Taylor and Partners, Harwood K. Smith and Partners and Timothy Anderson

Site Description: Approximately 31,913 square feet of land consisting of the property at 34-38 Summer Street, 26-28 Summer Street, 93-101 Arch Street and Bussey Place. The area is commonly known as the former Kennedy's building site and will be known as, and the Developer will request an address of One Franklin Place. The site is within Planned Development Area No. 18.

Location and Appearance of Structures: A detailed and visual representation of the Development's location and appearance is contained in the plans submitted to the Authority with the Application for PDA approval and those plans are incorporated by reference in this fact sheet.

General Description of Project Development and Uses: One Franklin Place will consist of a 21-story office building with retail use. The office building will be set back from Summer Street at varying distances at ascending levels and will be incorporated within the Kennedy building. The Summer Street facade and thirty (30) feet of the Hawley Street facade of the Kennedy's building

will be restored and the Hawley Street Arch will be rebuilt and incorporated into the design of the development. The One Franklin Place Development will contain rental areas of approximately 369,000 square feet for office use, 40,000 square feet for retail use and 20,000 square feet for basement parking for 40 cars. The exterior facade of 65 Franklin Street and the parapet at 103 Arch Street will be restored and reconstructed by the Developer together with improvements to Snow Place and pedestrian walks on Hawley and Summer Streets.

Estimated Construction Time:

Commencement of Construction: July 1985

Completion: June 1987

Partial Occupancy: June 1987

Projected Number of Employees: It is estimated that construction of One Franklin Place will create between 200-300 construction jobs over the two years of the construction period. After completion it is estimated that the One Franklin Place Development will provide 1800 jobs. The Developer has agreed to formulate a voluntary Employment Opportunity Plan, which plan will detail Developer's good faith efforts to assure that 50% of the employment opportunities created in the Project will be made available to Boston residents.

Development Impact Project Exaction: As required under Section 26-3 of the Code, One Franklin Place, will enter into a Development Impact Project Agreement with the Authority and the Neighborhood Housing Trust, or if such Trust has not been established at the time of execution of such agreement, with the Authority acting on behalf of said Trust. The Development Impact Project Exaction shall be made as a Housing Payment Exaction, payable in 12 equal annual installments, the first installment to be due upon the issuance of a Certificate of Occupancy for the One Franklin Place Development, or 24 months after the issuance of a building permit for the Development, whichever first occurs. The annual payment shall be 1/12 of \$5.00 per square foot of gross floor area of the portions of the Development dedicated to office, retail, business and service. Said exaction shall approximate a total of \$1,500,000 based on the following calculation:

Total of Office, Retail
and Restaurant exclusive
of garage space

400,000 s.f.

- 100,000 s.f.

300,000 s.f.

x 5.00

Total

\$1,500,000

Density: Renovation and construction shall total approximately 400,000 square feet of gross floor area. The maximum floor area ratio for the Project, calculated in accordance with the Code, shall be no more than 12.6.

Design Review: All design plans for the One Franklin Place Development are subject to ongoing design review and approval by the Authority. Such review is conducted in accordance with the Authority's Design Review Procedures dated April, 1984, and as specified in the Cooperation Agreement for said Development. The schematic design for the Project has been approved by the BRA.

Zoning Relief: The One Franklin Place Development site lies in a B-10-D zoning district. In such a district, relief from the requirements of the Code is sought as an Exception pursuant to Article 6A of the Code. Exceptions for the following Code provisions will be sought:

Articles 8, 15, 20, 21 and 24.

Article 8:

Section 8-7, no. 36A, retail catering is a conditional use in a B-10-D district.

Section 8-7, no. 59, parking garage is a conditional use in a Restricted Parking District.

Section 8-7, no. 71, ancillary parking for office and retail use is a conditional use in a Restricted Parking District.

Section 8-7, no. 72, assessory parking for office and retail use is a conditional use in a Restricted Parking District.

Article 15:

Section 15-1, the floor area ratio is excessive.

Article 20:

Section 20-1, rear yard area is not provided.

Article 21:

Section 21-1, setback of parapet is not provided.

Article 24:

Section 24-1, off-street loading bays are insufficient.

BOSTON REDEVELOPMENT AUTHORITY
MAY 21, 1985

AMENDED AND RESTATED
DEVELOPMENT PLAN FOR PLANNED DEVELOPMENT AREA NO. 18
ONE FRANKLIN PLACE, BOSTON PROPER
(Franklin, Arch, Summer and Hawley Streets)

Preface:

This Amended and Restated Development Plan ("Plan") for Planned Development Area ("PDA") No. 18 is enacted by the Authority pursuant to Article 3, section 3-1A of the Boston Zoning Code, as amended, ("Code") in order to insure that the use, alterations, construction and development of the land and buildings within PDA No. 18 are in conformity with the hereinafter established restrictions, controls and limitations set forth in the Plan.

The Authority has approved the Plan as being consistent with the general plan of the city as a whole. The basic document comprising the general plan of the city is the "1965/1975 General Plan for the City of Boston, March 1965" ("General Plan"). The General Plan was adopted by the Authority as an interim document containing a statement of the policies and programs which were intended to shape the development of the City of Boston. Although it was originally intended to reach only to 1975, the basic elements of the 1965 General Plan and its fundamental recommendations have maintained their relevance as a guide to the

city's development to the present day. Its precepts and recommendations therefore form the basis for the approval of the present Plan.

One of the functions of the General Plan is to provide guidelines for revisions of the City's zoning maps and standards for passing on applications for zoning variances, and thus one of the recommendations in the General Plan was the updating of the new (1965) Zoning Code. The Authority in carrying out this task petitioned the Zoning Commission in May, 1968 to amend the Code to allow for the establishment of PDA's and to define standards for varying the Code provisions for a PDA. A plan for a PDA provides guidelines and controls for development and subjects the development to standards for deviating from the provisions of the code. This Plan provides such controls and guidelines and subjects the PDA to the Code standards for deviations.

Furthermore, the General Plan proposed internal development of the Regional Core and noted that one of the sub-centers of the Regional Core was the Summer-Winter-Washington area which could and should have a "greater variety of prime and supporting uses". The General Plan called for the strengthening and stimulation of new retail growth by integrating residential, office and entertainment functions with prime retail uses and the providing of amenities for pedestrians in strategic shopping areas. The

Plan for the PDA incorporates these planning devices and objectives by redeveloping a portion of the Downtown Crossing for retail and office use.

The Authority hereby determines that the Plan specifies appropriate planning and development controls on the PDA, including: (1) the limitation of the area of the PDA; (2) the requirement of design review by the Authority of the structures within the PDA; (3) the requirement for improvement of the public sidewalks and the alleys (Snow Place) by repaving and landscaping; (4) the enumeration and limitation of types of uses within the PDA; (5) the restriction of the density of all structures within the PDA, both for the new building and the existing structures; (6) the introduction of a central loading area for the Development, as hereinafter defined, and for the Summer Street Parcel; (7) the requirement of parking areas within the Development and not in alleys or streets; (8) the establishment of direct access to the MBTA Summer Street concourse and the incorporation of a public amenity of a handicapped elevator for MBTA patrons; and (9) the continuing review and control of the Authority on the PDA. The incorporation of these elements correspond to the general purpose of the Code.

The Authority specifically finds that by requiring the

restoration of a portion of the existing buildings in the PDA, the improvement of public open spaces and the use of the PDA for retail and office use with MBTA access, the Plan promotes the health, safety, convenience, morals and welfare of the inhabitants of the city. Additionally, the Authority considers that by the restrictions on the design, location and appearance of the structures, the Plan encourages the most appropriate use of land and provides for adequate light and air to the PDA. Similarly, the public transportation access and the pedestrian arcade on the basement and ground floor levels of the Development lessen congestion in the streets and provide beneficial transportation facilities. The Authority finds that in addition to the beneficial effect of specific features of the Plan on the attainment of enumerated Code purposes, the Plan as a whole preserves and increases the amenities of the city, all as contemplated in the Code.

The Authority also finds that the significant public benefits in the form of substantial real estate taxes in excess of \$1,500,000 as opposed to the present tax revenue of \$70,000; the projected linkage payments of \$1,500,000; the restoration of significant portions of the existing structures, access to public transportation; provisions for a handicapped elevator; and

opportunities for Boston residents to be employed in construction and permanent jobs as a result of the development, are all advantages to the city and benefit the public welfare of its inhabitants. Furthermore, the Authority finds that the development complements the city's goals for this decade in that the development tangibly extends development benefits to the city's neighborhoods in the form of linkage payments and a commitment by the Developer to the development of low and moderate income units in the neighborhoods, and that the development comports with the existing character of Boston's downtown commercial center. These two goals are addressed in the Plan and for all of the above reasons, the Authority finds that the carrying out of the Plan will be of benefit to the retail and commercial Downtown Crossing area and not injurious to that neighborhood, nor detrimental to the public welfare of the inhabitants of the city.

Controls and Restrictions:

Developer: The Developer of the site within the PDA is Lincoln Franklin Place, LTD (the "Developer"), a Texas limited partnership with a principal place of business at 1800 Two Turtle Creek Village, Dallas, Texas 75219. The local office of the Developer is at One Post Office Square, Suite 2250, Boston,

Massachusetts 02109. John B. Hynes, III is General Partner of the General Partner of the Developer, Lincoln Property Company No. 1027, LTD, a Texas limited partnership.

Area: A parcel of land in the City of Boston, Suffolk County, Masssachusetts containing 47,300 square feet, bounded as follows:

SOUTHWESTERLY: by Summer Street, 184.74 feet;
NORTHWESTERLY: by Hawley Street, 182.31 feet;
NORTHEASTERLY: by the "Line of Fee" as shown on plan in Book 1359 Page 122, 89.48 feet, 29 feet and 8.88 feet as shown on said plan;
NORTHEASTERLY: by a passageway, known as Snow Place, about 54 feet;
NORTHWESTERLY: by the same, about 17.6 feet;
NORTHWESTERLY: by land now or formerly of President and Fellows of Harvard College, by a line running through the middle of a 20 inch wall, as shown on plan in Book 7238, Page 71, 104.12 feet;
NORTHEASTERLY: by Franklin Street, as shown on said plan, 51.76 feet;
SOUTHEASTERLY: by Arch Street, as shown on said plan, 107.26 feet;
SOUTHWESTERLY: by Arch Street, 0.48 feet;
SOUTHEASTERLY: by Arch Street, about 169.7 feet;
SOUTHWESTERLY: by a four foot passageway shown on plan in Book 492 at the end, about 34.5 feet;

SOUTHEASTERLY: by the same, about 4 feet;

SOUTHEASTERLY: by Lot 2 on said plan, by a line passing through the center of a brick partition wall, about 80.3 feet.

Such land is also shown on a plan entitled "Plan To Show Planned Development Area, Boston, Mass." Scale 1 in. = 50 ft. dated June 27, 1984, prepared by Raymond C. Pressey, Inc. Registered Land Surveyors, Lynn, Mass. attached hereto as Exhibit A.

The Area consists of the following parcels of property:

Kennedy Parcel. This parcel contains 31,913 square feet of land upon which the proposed development to be known as One Franklin Place (the "Development") is to be constructed by the Developer;

Summer Street Parcel. This parcel contains 6,993 square feet of land upon which there is presently a five-story structure containing retail and office space (the "Summer Street Parcel");

Franklin Street Parcel. This parcel contains 4,831 square feet of land upon which there is presently a five-story structure containing first floor retail with office uses on the upper floors (the "Franklin Street Parcel"); and

Arch Street Parcel. This parcel contains 2,728 square feet of land upon which there is presently a five-story structure used as a residence for the Franciscans (the "Arch Street Parcel").

A. Proposed location and appearance of structures:

The location and appearance of the Development known as One Franklin Place shall be as shown on the drawings prepared by the Development's architectural team: Hoskins, Scott, Taylor and Partners, Inc., Harwood K. Smith and Partners, and Timothy Anderson. A list of which is attached hereto as Exhibit B.

Additionally, the following limits shall be applied to the Development:

1. The height of the apex of the tower of the building shall not exceed 290 feet exclusive of appurtenances, as measured from the mean elevation of the abutting sidewalks; and the height of the 21st floor cornice shall not exceed 270 feet.
2. The exterior materials of the building shall be compatible with the exterior material of the
• surrounding buildings.
3. The Development shall be setback as shown on the plans and drawings listed on Exhibit B and the parapet setbacks calculated pursuant to the Boston Zoning Code are set forth on Exhibit B-1.
4. The tower structure shall be set back as shown on the plans and drawings listed on Exhibit B at the following minimum distances from the property lines or internal

building lines for a portion of the Arch Street setback, at Summer, Hawley and Arch Streets:

<u>LEVEL</u>	<u>SUMMER STREET</u>	<u>HAWLEY & ARCH STREET</u>
6th Floor	30 feet	3 feet
18th Floor	30 feet	3 feet
19th Floor	30 feet	12 feet
21th Floor	30 feet	24 feet

5. The facade of the Kennedy's building shall be renovated along Summer Street and reconstructed along Hawley Street in accordance with the Memorandum of Understanding by and among the Developer, the Boston Redevelopment Authority and the Landmarks Commission dated October 1983.

6. The Hawley Street arch shall be dismantled and reconstructed without any substantial change in the design or appearance of the arch.

.The plans for the Development shall include points of access from the Summer Street Parcel to the interior of the Development. These access points are shown on the plans and drawings listed on Exhibit B.

The appearance and location of the structures on the Summer Street Parcel, the Franklin Street Parcel and the Arch Street Parcel shall not be altered or changed in exterior appearance

without the prior approval of the Authority and the Zoning Commission in the form of an amendment to this Plan, except that with respect to the Arch Street Parcel alterations and improvements to be undertaken by the Developer to the existing parapet are allowed subject to design review by the Authority.

B. Open Space and Landscaping:

The sidewalk surrounding the Development and the PDA shall be paved with suitable materials consisting of stone or brick, acceptable to the Authority and compatible with the design and ambiance of existing and proposed buildings. Sidewalk amenities, such as benches, planters and detailings, and landscaping consisting of trees and shrubs shall be located within the PDA according to plans and drawings listed on Exhibit B.

C. Permitted Uses:

The permitted uses within the PDA shall be limited to the following:

<u>USE NO.</u>	<u>DESCRIPTION</u>
21	Place of Worship, monastery, convent, parish house
30	Private club
34	Retail business
36A	Retail Catering
37	Restaurant
38	Restaurant with entertainment or dancing

39	Office
39A	Clinic
40	Agency office
41	Office building
42	Office or display or sales space
43	Service retail
44	Tailor shop
46	Service shop
48	Radio or Television Studio
59	Parking garage
71	Ancillary use-parking
72	Accessory use-parking

and other uses permitted from time to time in B-10, general business districts.

D. Density:

The floor area ratio ("FAR") of the entire PDA shall be limited to a composite factor of 10.2 ("PDA FAR"). The basis for determining the PDA FAR is shown on the floor area ratio computation schedule attached hereto as Exhibit C.

Notwithstanding the PDA FAR limit of 10.2, the FAR applicable to the Development shall not exceed 12.6, and the FAR applicable for the Summer Street Parcel, the Arch Street Parcel and the Franklin Street Parcel shall not exceed 5.0.

E. Proposed Traffic Circulation:

Vehicular access and egress to the PDA will be provided by the four existing streets bounding the PDA. Access and egress for the parking area of the Development will be from Hawley Street, and access and egress for the loading facilities will also be from Hawley Street and Snow Place. Bussey Place will be eliminated and access for loading facilities for the Summer Street Parcel will be through the Development's loading bays.

F. Parking and Loading Facilities:

Parking areas within the PDA shall be limited to the basement of the Development, of which approximately 20,000 square feet has been designed to accommodate 40 parking spaces. Bussey Place, a private alley, shall be incorporated within the Development and no parking or loading activities shall be allowed or conducted in that area or in streets or alleys. Loading facilities consisting of 4 loading bays within the Development shall be limited to the area off Snow Place, as shown on the plans and drawings listed on Exhibit B, and loading activities presently occurring in Bussey Place shall cease upon the completion of the Development. The loading facilities shall be available to the Summer Street Parcel with access through the designated levels of the Development, as shown on the plans and drawings listed on Exhibit B. No additional loading areas shall

be provided within the PDA without the prior approval of the Authority and the Zoning Commission in the form of an amendment to this Plan.

G. Access to Public Transportation:

The PDA is presently served by the MPTA Orange and Red lines at Washington Street. There will be direct access from the basement level of the Development to MBTA lines through the Summer Street subsurface MBTA concourse. The Development will include a handicapped elevator for MBTA patrons to gain access from the subsurface concourse to the first floor of the Development and to street level. The handicapped elevator will be operational during the hours of MBTA service. The PDA is also serviced by express bus lines located at Franklin, Federal and Summer Streets and is within walking distance to South Station commuter rail and bus terminal. It is also within walking distance from the commuter boat facilities at Rowes Wharf and Fosters Wharf.

H. Proposed Dimensions of the Structure:

The dimensions of the Development are to be as shown on the plans listed in Exhibit B.

Any changes to the existing dimensions of the Summer Street Parcel, Arch Street Parcel and Franklin Street Parcel are subject to prior approval by the Authority and the Zoning

Commission in the form of an amendment to this Plan; except that, with respect to the Arch Street Parcel, alterations and improvements to be undertaken by the Developer to the existing parapet are allowed subject to design review by the Authority.

I. Proposed Elevations of the Structure:

The elevations of the Development are to be as shown on the plans listed on Exhibit B.

Any changes to the existing elevations of the Summer Street Parcel, Arch Street Parcel and Franklin Street Parcel are subject to prior approval by the Authority and the Zoning Commission in the form of an amendment to this Plan; except that, with respect to the Arch Street Parcel, alterations and improvements to be undertaken by the Developer to the existing parapet are allowed subject to design review by the Authority.

J. Schematic Layout Drawing:

These drawings are listed on Exhibit B.

K. Exterior Building Materials:

The exterior of the Development is to be of brick and granite materials so as to be compatible with the exterior materials of the surrounding buildings, and windows in the office structure are to be of tinted insulated glass with aluminum or metal frames or similar design. The exterior of the Kennedy Building along the Summer and Hawley Street facade will be

restored. The arch on Hawley Street shall be dismantled and reconstructed without altering the design of the same. The exterior materials are shown on the plans listed on Exhibit B.

Any changes to the existing building materials of the Summer Street Parcel, Arch Street Parcel and Franklin Street Parcel are subject to prior approval by the Authority and the Zoning Commission in the form of an amendment to this Plan; except that, with respect to the Arch Street Parcel, alterations and improvements to be undertaken by the Developer to the existing parapet are allowed subject to design review by the Authority.

L. Design Review:

All design plans for the One Franklin Place Development are subject to ongoing design review and approval by the Authority. Such review is conducted in accordance with the Authority's Design Review Procedures dated April, 1984 and as specified in the Cooperation Agreement for the Development between the Developer and the Boston Redevelopment Authority.

M. Zoning:

The Development site lies in a B-10-D zoning district. In such a district, relief from the requirements of the Code is sought as an Exception pursuant to Article 6A of the Code and the Development will require Exceptions for the following code provisions:

Articles 8,15, 20, 21, and 24.

Article 8:

Section 8-7, no. 36A, retail catering is a conditional use in a B-10-D district.

Section 8-7, no. 59, parking garage is a conditional use in a Restricted Parking District.

Section 8-7, no. 71, ancillary parking for office and retail use is a conditional use in a Restricted Parking District.

Section 8-7, no. 72, assessory parking for office and retail use is a conditional use in a Restricted Parking District.

Article 15:

Section 15-1, the floor area ratio is excessive. (Exhibit D)

Article 20:

Section 20-1, rear yard area is not provided.

Article 21:

Section 21-1, setback of parapet is not provided. (Exhibit B-1)

Article 24:

Section 24-1, off-street loading bays are insufficient.

N. Amendments:

Any proposal for rehabilitation, renovation or additions to the Summer Street Parcel, Arch Street Parcel and the Franklin Street Parcel will necessitate Authority review and approval and

an amendment to this Plan pursuant to Section 3-1A of the Zoning Code; except that with respect to the Arch Street Parcel alterations and improvements to be undertaken by the Developer to the existing parapet are allowed subject to design review by the Authority.

Any modificiations or changes to the plans for the Development shall be approved by the Director of the Authority, provided, however, that if the Director determines that the modifications are major changes to the Plan, then the modifications shall be subject to review and approval by the Authority and amendment to this Plan pursuant to Section 3-1A of the Zoning Code.

PLAN TO SHOW
 PLANNED DEVELOPMENT AREA
 BOSTON, MASS.

SCALE 1 IN. = 50 FT. 27 JUNE 1984

RAYMOND C PRESSEY INC.
 REGISTERED LAND SURVEYORS
 LYNN, MASS.

FRANKLIN STREET

SUMMER ST. layout

STREET

STREET

40'

HAWLEY

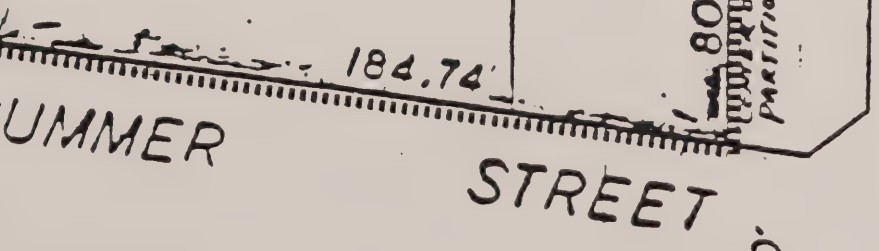
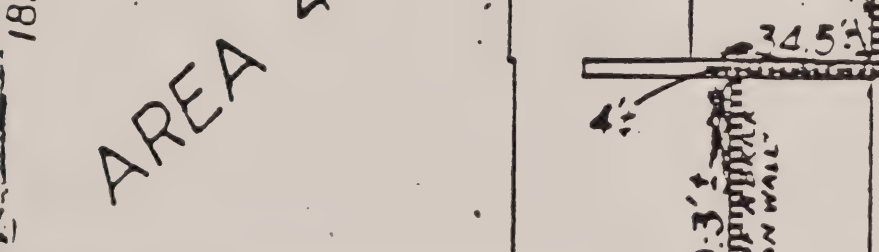
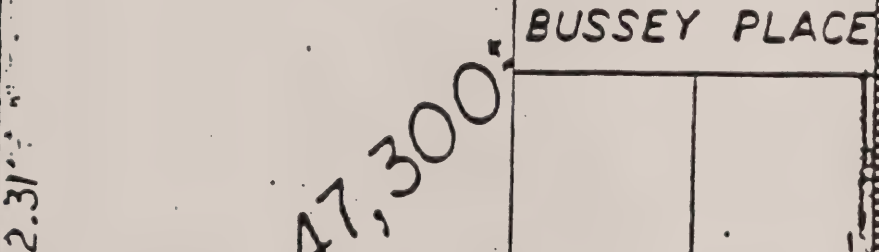
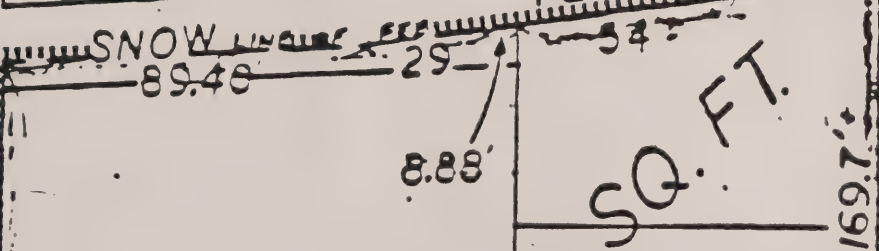
40'

60'

SUMMER

STREET

60'



AREA 47,300'

50. FT.

BUSSEY PLACE

ARCH

50'

NOTE: THIS PLAN IS A COMPILATION OF PLANS AND DEEDS
 OF RECORD AND A PARTIAL FIELD SURVEY.

May 7, 1985

EXHIBIT B

Hoskins Scott Taylor and Partners Inc.

26 West Street
Boston, Massachusetts
USA 02111

617 426 0600

Architects
Planners
Urban Designers

- 1 SUMMER STREET ELEVATION
- 2 HAWLEY STREET ELEVATION
- 3 ARCH STREET ELEVATION
- 4 SNOW PLACE ELEVATION
- 5 LONGITUDINAL SECTION
- 6 TRANSVERSE SECTION
- 7 CONCOURSE LEVEL PLAN
- 8 PARKING LEVEL PLAN
- 9 GROUND FLOOR PLAN
- 10 SECOND FLOOR PLAN
- 11 TOWER LEVELS THREE THRU FIVE
- 12 TOWER LEVELS SIX THRU ELEVEN
- 13 TOWER LEVELS TWELVE THRU EIGHTEEN
- 14 TOWER LEVELS NINETEEN AND TWENTY
- 15 TOWER LEVEL TWENTY ONE
- 16 TOWER ROOF PLAN

EXHIBIT B-1

SETBACK OF PARAPET CALCULATIONS

Snow Place Setback (Side)

$$H = 290 \text{ feet} - 120 \text{ feet} = 170 \text{ feet}$$

$$\begin{array}{r} 170 \text{ ft.} + 122 \text{ ft.} \\ \hline 8 \end{array} = \frac{292}{8} = 36.5 \text{ feet}$$

Setback:	36.5	feet
Credit:	<u>0</u>	feet
Setback Requirement:	36.5	feet
Setback Provided	0	feet-Exception Required

Snow Place Setback (Side)

$$H = 74 \text{ feet} - 120 \text{ feet} = 0 \text{ feet}$$

$$\begin{array}{r} 0 \text{ ft.} + 0 \text{ ft.} \\ \hline 8 \end{array} = \frac{0}{8} = 0 \text{ feet}$$

Setback:	0	feet
Credit:	<u>0</u>	feet
Setback Requirement:	0	feet
Setback Provided	0	feet

Arch Street Setback (rear)

$$H = 290 \text{ feet} - 25 \text{ feet} = 265 \text{ feet}$$

$$\begin{array}{r} 265 \text{ ft.} + 86 \text{ ft.} \\ \hline 8 \end{array} = \frac{351}{8} = 43.9 \text{ feet}$$

Setback:	43.9	feet
Credit:	<u>25.0</u>	feet
Setback Required:	18.9	feet
Setback Provided:	90.0	feet (also Existing Building)

Arch Street Setback (rear)

H = 290 feet - 25 feet = 265 feet

$$\begin{array}{rcl} 265 \text{ ft.} + 103 \text{ ft.} & & 368 \\ \hline 8 & = & \frac{368}{8} = 46.0 \text{ feet} \end{array}$$

Setback:	46.0	feet
Credit:	<u>0</u>	feet
Setback Required:	46.0	feet
Setback Provided:	0	feet Exception Required

Arch Street Setback (rear)

H = 72 feet - 25 feet = 47 feet

$$\begin{array}{rcl} 47 \text{ ft.} + 33 \text{ ft.} & & 80 \\ \hline 8 & = & \frac{80}{8} = 10.0 \text{ feet} \end{array}$$

Setback:	10.0	feet
Credit:	<u>0</u>	feet
Setback Required:	0	feet
Setback Provided:	0	feet (Existing Building)

Summer Street Setback (side)
(Southerly face of 103 Arch Street)

H = 74 feet - 120 feet = 0 feet

$$\begin{array}{rcl} 0 \text{ ft.} + 0 \text{ ft.} & & 0 \\ \hline 8 & = & \frac{0}{8} = 0 \text{ feet} \end{array}$$

Setback:	0	feet
Credit:	<u>0</u>	feet
Setback Required:	0	feet
Setback Provided	0	feet (Existing Building)

Summer Street Setback (front: section 19-6)

$$H = 290 \text{ feet} - 25 \text{ feet} = 265 \text{ feet}$$

$$\begin{array}{r} 265 \text{ ft.} + 28 \text{ ft.} \\ \hline 8 \end{array} = \begin{array}{r} 293 \\ \hline 8 \end{array} = 36.6 \text{ feet}$$

Setback: 36.6 feet
Credit: 30.0 feet
Setback Required: 6.6 feet
Setback Provided 30.0 feet (also Existing Building)

Summer Street Setback (side)

$$H = 290 \text{ feet} - 120 \text{ feet} = 170 \text{ feet}$$

$$\begin{array}{r} 170 \text{ ft.} + 100 \text{ ft.} \\ \hline 8 \end{array} = \begin{array}{r} 270 \\ \hline 8 \end{array} = 33.8 \text{ feet}$$

Setback: 33.8 feet
Credit: 30.0 feet
Setback Required: 3.8 feet
Setback Provided 30.0 feet (also Existing Building)

Hawley Street Setback (Front)

$$H = 74 \text{ feet} - 25 \text{ feet} = 49 \text{ feet}$$

$$\begin{array}{r} 49 \text{ ft.} + 33 \text{ ft.} \\ \hline 8 \end{array} = \begin{array}{r} 82 \\ \hline 8 \end{array} = 10.3 \text{ feet}$$

Setback: 10.3 feet
Credit: 20.0 feet
Setback Required: 0 feet
Setback Provided: 0 feet (Existing Building)

Hawley Street Setback (Front)

H = 290 feet - 25 feet = 265 feet

$$\begin{array}{r} 265 \text{ ft.} + 138 \text{ ft.} \\ \hline 8 \end{array} = \frac{403}{8} = 50.4 \text{ feet}$$

Setback: 50.4 feet

Credit: 20.0 feet

Setback Required: 30.4 feet

Setback Provided: 0 feet Exception Required

EXHIBIT C

<u>LOT</u>	<u>LOT AREA</u>	<u>FAR</u>	<u>GROSS AREA</u>
Hawley Street Parcel	31,913	12.6	401,031
Franklin Street Parcel	4,831	5.0	24,155
Summer Street Parcel	6,993	5.0	34,965
Arch Street Parcel	<u>2,728</u>	<u>5.0</u>	<u>13,640</u>
Totals	46,465	10.2	473,791

5/7/85

EXHIBIT D

Floor Area Ratio (Article 15): The Site contains 31,913 square feet and upon which there is to be constructed a 21-story building with penthouse, containing 401,031 square feet of gross floor area. The gross floor area is allocated as follows:

Kennedy's

<u>FLOOR</u>	<u>GROSS</u>	<u>EXCLUSIONS*</u>	<u>GROSS</u> <u>FLOOR AREA</u>
Concourse	23,332	5,659	17,673
Basement 1	25,141	25,141	0
1	22,335	3,576	18,759
2	23,154	2,360	20,794
3	20,650	1,458	19,192
4	23,336	1,458	21,878
5	23,336	1,458	21,878
6	18,140	1,330	16,810
7	18,140	1,330	16,810
8	18,140	1,330	16,810
9	18,140	1,330	16,810
10	18,140	1,330	16,810
11	18,140	1,330	16,810

12	18,140	1,690	16,450
13	18,140	1,660	16,480
14	18,140	1,060	17,080
15	18,140	1,060	17,080
16	18,140	1,060	17,080
17	18,140	1,060	17,080
18	18,123	1,060	17,063
19	13,894	894	13,000
20	13,802	894	12,908
21	11,580	894	10,686
Mechanical Penthouse	4,780	4,784	0
<u>101 Arch Street</u>			
Basement	5,557	5,557	0
1	5,080	289	4,791
2	5,080	289	4,791
3	5,080	289	4,791
4	5,080	289	4,791
5	5,080	289	4,791
<u>Bussey Place</u>			
1	<u>1,135</u>	<u>0</u>	<u>1,135</u>
Totals	473,238	72,207	401,031

Floor Area Ratio: 401,031
----- = 12.6
31,913

*(Exclusions from gross area are those areas used for parking in Basement, mechanical rooms, atrium space and elevator shafts.)

FPAREA, MAY 8, 1985

FRANKLIN PLACE

BUILDING AREA SCHEDULE, CONCRETE FRAME 21 STORIES, 290.0' TOTAL HEIGHT

KENNEDYS	GROSS	PENE	ATRIA/CT	FL PL	PUBLIC	MER	PARKING	STORAGE	LOADING	NET RETAIL	COMMON	FAR GROSS	N.Y. MEASURE
CONCOURSE	23332	585	—	22827	3911	5158	—	—	—	6589	9069	17669	7032
PARKING	25141	3044	NOT INC	22096	—	—	20809	1287	—	—	0	0	1373
1	22335	3276	NOT INC	19059	6416	300	—	—	2991	10137	9407	18759	10818
2	23154	1940	NOT INC	21214	4284	420	—	—	—	16930	4234	20794	18067
3	22650	1158	NOT INC	19492	—	300	—	—	—	—	0	19192	20622
4	23336	1158	—	22178	—	300	—	—	—	—	0	21878	23663
5	23336	1158	—	22178	—	300	—	—	—	—	0	21878	23663
6	18140	1030	—	17110	—	300	—	—	—	—	0	16810	18260
7	18140	1030	—	17110	—	300	—	—	—	—	0	16810	18260
8	18140	1030	—	17110	—	300	—	—	—	—	0	16810	18260
9	18140	1030	—	17110	—	300	—	—	—	—	0	16810	18260
10	18140	1030	—	17110	—	300	—	—	—	—	0	16810	18260
11	18140	1030	—	17110	—	300	—	—	—	—	0	16810	18260
12	18140	1030	—	17110	—	660	—	—	—	—	360	16450	18260
13	18140	760	—	17380	—	900	—	—	—	—	620	16430	18548
14	18140	760	—	17380	—	300	—	—	—	—	0	17080	18548
15	18140	760	—	17380	—	300	—	—	—	—	0	17080	18548
16	18140	760	—	17380	—	300	—	—	—	—	0	17080	18548
17	18140	760	—	17380	—	300	—	—	—	—	0	17080	18548
18	18123	760	—	17363	—	300	—	—	—	—	0	17063	18530
19	13894	894	—	13000	—	0	—	—	—	—	0	13000	13873
20	13802	894	—	12908	—	0	—	—	—	—	0	12908	13775
21	11580	894	—	12686	—	0	—	—	—	—	0	12686	11404
MECH 22	4780	701	—	4079	—	4079	—	—	—	—	4079	0	—
SUB TOT	441147	27392	0	413754	14611	15717	20809	1287	2991	33655	27799	378941	333571
101 ARCH													
BSMT	5557	174	—	5382	—	—	—	5382	—	—	0	0	5780
1	5080	289	—	4791	2167	—	—	—	—	2624	2167	4791	2818
2	5080	289	—	4791	—	—	—	—	—	—	0	4791	5145
3	5080	289	—	4791	—	—	—	—	—	—	0	4791	5145
4	5080	289	—	4791	—	—	—	—	—	—	0	4791	5145
5	5080	289	—	4791	—	—	—	—	—	—	0	4791	5145
SUB TOT	30957	1619	0	29337	2167	0	0	5382	0	2624	2167	23553	29177
BUSSEY PL													
1	1135	—	—	1135	1135	—	—	—	—	—	1135	1135	—
2	—	—	—	—	—	—	—	—	—	—	—	0	—
3	—	—	—	—	—	—	—	—	—	—	—	0	—
4	—	—	—	—	—	—	—	—	—	—	—	0	—
5	—	—	—	—	—	—	—	—	—	—	—	0	—
SUB TOT	1135	0	0	1135	1135	0	0	0	0	0	1135	1135	0
TOTAL	473238	29012	0	444227	17913	15717	20809	6669	2991	36280	31131	401031	412746

BOSTON REDEVELOPMENT AUTHORITY
May 21, 1985

AMENDED AND RESTATED DEVELOPMENT IMPACT PROJECT PLAN

ONE FRANKLIN PLACE, BOSTON PROPER
(Franklin, Arch, Summer and Hawley Streets)

Preface:

This Amended and Restated Development Impact Project Plan ("DIP Plan") for One Franklin Place ("Project") is approved by the Authority pursuant to Article 26, section 26-3 of the Boston Zoning Code, as amended, ("Code") in order to insure that the use, alteration, construction and development of the Project is in conformity with the hereinafter established restrictions, controls and limitations set forth in the DIP Plan.

The Authority has approved the DIP Plan as being consistent with the general plan of the city as a whole. The basic document comprising the general plan of the city is the "1965/1975 General Plan for the City of Boston, March 1965" ("General Plan"). The General Plan was adopted by the Authority as an interim document containing a statement of the policies and programs which were intended to shape the development of the City of Boston. Although it was originally intended to reach only to 1975, the basic elements of the 1965 General Plan and its fundamental recommendations have maintained their relevance as a guide to the city's development to the present day. Its precepts and

recommendations therefore form the basis for the approval of the present DIP Plan.

One of the functions of the General Plan is to provide guidelines for revisions of the City's zoning maps and standards for passing on applications for zoning variances, and thus one of the recommendations in the General Plan was the updating of the new (1965) Zoning Code. The Authority in carrying out this task petitioned the Zoning Commission on November, 1983 to amend the Code by the insertion of Article 26 to allow for the establishment of Development Impact Projects and to define the standards for varying the Code provisions for a Development Impact Project. A plan for a DIP Project provides guidelines and controls for development, subjects the Project to standards for deviating from the provisions of the Code and requires as a condition of the grant of deviations from the Code a payment of the Development Impact Project Exaction. This DIP Plan provides such controls and guidelines and subjects the Project to the Code standards for deviations.

Furthermore, the General Plan proposed internal development of the Regional Core and noted that one of the sub-centers of the Regional Core was the Summer-Winter-Washington area which could and should have a "greater variety of prime and supporting uses". The General Plan called for the strengthening and stimulation of

new retail growth by integrating residential, office and entertainment functions with prime retail uses and the providing of amenities for pedestrians in strategic shopping areas. The DIP Plan incorporates these planning devices and objectives by redeveloping a portion of the Downtown Crossing for retail and office use.

The Authority hereby determines that the DIP Plan specifies appropriate planning and development controls on the Project, including: (1) the limitation of the area of the Project; (2) the requirement of design review by the Authority of the Project; (3) the requirement for improvement of the public sidewalks and the alleys (Snow Place) by repaving and landscaping; (4) the enumeration and limitation of types of uses in the Project; (5) the restriction of the density of the Project; (6) the estimate of number of construction and permanent jobs; (7) the introduction of a central loading area; (8) the requirement of parking areas within the structure and not in alleys or streets; (9) the establishment of direct access to the MBTA Summer Street concourse and the incorporation of a public amenity of a handicapped elevator for MBTA patrons; and (10) the continuing review and control of the Authority on the Project. The incorporation of these elements correspond to the general purpose of the Code.

The Authority specifically finds that by requiring the restoration of a portion of the existing buildings in the Project, the improvement of public open spaces, and the use of the Project for retail and office use with MBTA access, the DIP Plan promotes the health, safety, convenience and welfare of the inhabitants of the city. Additionally, the Authority considers that by the restrictions on the design, location and appearance of the structures, the DIP Plan encourages the most appropriate use of land and provides for adequate light and air to the Project. Similarly, the public transportation access and the pedestrian arcade on the basement and ground floor levels of the Development lessen congestion in the streets and provide beneficial transportation facilities. The Authority finds that in addition to the beneficial effect of specific features of the DIP Plan on the attainment of enumerated Code purposes, the DIP Plan as a whole preserves and increases the amenities of the city, all as contemplated in the Code.

The Authority also finds that the significant public benefits in the form of substantial real estate taxes in excess of \$1,500,000 as opposed to the present tax revenue of \$70,000; the projected linkage payments of \$1,500,000; the restoration of significant portions of the existing structures, access to public transportation; provisions for a handicapped elevator; and

opportunities for Boston residents to be employed in construction and permanent jobs as a result of the development, are all advantages to the city and benefit the public welfare of its inhabitants. Furthermore, the Authority finds that the development complements the city's goals for this decade in that the development tangibly extends development benefits to the city's neighborhoods in the form of linkage payments and a commitment by the Developer to the development of low and moderate income units in the neighborhoods, and that the development comports with the existing character of Boston's downtown commercial center. These two goals are addressed in the DIP Plan and for all of the above reasons, the Authority finds that the carrying out of the DIP Plan will be of benefit to the retail and commercial Downtown Crossing area and not injurious to that neighborhood, nor detrimental to the public welfare of the inhabitants of the city.

Developer: The Developer is Lincoln Franklin Place, LTD (the "Developer"), a Texas limited partnership with a principal place of business at 1800 Two Turtle Creek Village, Dallas, Texas 75219. The local office of the Developer is at One Post Office Square, Suite 2250, Boston, Massachusetts 02109. John B. Hynes, III is General Partner of the General Partner of the Developer,

Lincoln Property Company No. 1027, LTD, a Texas limited partnership.

The Developer has also filed with the Authority a request for approval of an Amended and Restated Development Plan for Planned Development Area No. 18 in accordance with Article 3, Section 3-1(A) of the Boston Zoning Code and Enabling Act (the "Code").

Architects: Hoskins, Scott, Taylor and Partners, Harwood K. Smith and Partners and Timothy Anderson

Site Description: Approximately 31,913 square feet of land consisting of the property at 34-38 Summer Street, 26-28 Summer Street, 93-101 Arch Street and Bussey Place. The area is commonly known as the former Kennedy's building site and will be known as, and the Developer will request an address of One Franklin Place.

Location and Appearance of Structures: A detailed and visual representation of the Development's location and appearance is contained in the plans submitted to the Authority with the Application for an Amended and Restated Development Plan and those plans are incorporated by reference.

General Description of Project Development and Uses: One Franklin Place will consist of a 21-story office building with retail use. The office building will be set back from Summer Street at varying distances at ascending levels and will be incorporated

within the Kennedy building. The Summer Street facade and thirty (30) feet of the Hawley Street facade of the Kennedy's building will be restored and the Hawley Street Arch will be rebuilt and incorporated into the design of the development. The One Franklin Place Development will contain rental areas of approximately 369,000 square feet for office use, 40,000 square feet for retail use and 20,000 square feet for basement parking for 40 cars. The exterior facade of 65 Franklin Street and the parapet at 103 Arch Street will be restored and reconstructed by the Developer together with improvements to Snow Place and pedestrian walks on Hawley and Summer Streets.

Estimated Construction Time:

Commencement of Construction: July 1985

Completion: June 1987

Partial Occupancy: June 1987

Projected Number of Employees: It is estimated that construction of One Franklin Place will create between 200-300 construction jobs over the two years of the construction period. After completion it is estimated that the One Franklin Place Development will provide 1800 jobs. The Developer has agreed to formulate a voluntary Employment Opportunity Plan, which plan will detail Developer's good faith efforts to assure that 50% of the employment opportunities created in the Project will be made available to Boston residents.

Development Impact Project Exaction: As required under Section 26-3 of the Code, One Franklin Place, will enter into a Development Impact Project Agreement with the Authority and the Neighborhood Housing Trust, or if such Trust has not been established at the time of execution of such agreement, with the Authority acting on behalf of said Trust. The Development Impact Project Exaction shall be made as a Housing Payment Exaction, payable in 12 equal annual installments, the first installment to be due upon the issuance of a Certificate of Occupancy for the One Franklin Place Development, or 24 months after the issuance of a building permit for the Development, whichever first occurs. The annual payment shall be 1/12 of \$5.00 per square foot of gross floor area of the portions of the Development dedicated to office, retail, business and service. Said exaction shall approximate a total of \$1,500,000 based on the following calculation:

Total of Office, Retail and Restaurant exclusive of garage space	400,000 s.f.
	- <u>100,000</u> s.f.
	300,000 s.f.
	x <u>5.00</u>
Total	\$1,500,000

Density: Renovation and construction shall total approximately

400,000 square feet of gross floor area. The maximum floor area ratio for the entire Project, calculated in accordance with the Code, shall be no more than 12.6.

Design Review: All design plans for the One Franklin Place Development are subject to ongoing design review and approval by the Authority. Such review is conducted in accordance with the Authority's Design Review Procedures dated April, 1984, and as specified in the Cooperation Agreement for said Development. The schematic design for the Project has been approved by the BRA.

Zoning Relief: The One Franklin Place Development site lies in a B-10-D zoning district. In such a district, relief from the requirements of the Code is sought as an Exception pursuant to Article 6A of the Code. Exceptions for the following Code provisions will be sought:

Articles 8, 15, 20, 21 and 24.

Article 8:

Section 8-7, no. 36A, retail catering is a conditional use in a B-10-D district.

Section 8-7, no. 59, parking garage is a conditional use in a Restricted Parking District.

Section 8-7, no. 71, ancillary parking for office and retail use is a conditional use in a Restricted Parking District.

Section 8-7, no. 72, assessory parking for office and retail use is a conditional use in a Restricted Parking District.

Article 15:

Section 15-1, the floor area ratio is excessive.

Article 20:

Section 20-1, rear yard area is not provided.

Article 21:

Section 21-1, setback of parapet is not provided.

Article 24:

Section 24-1, off-street loading bays are insufficient.